

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES H. GORBEY, JR., Administrator of the	:	
ESTATE OF MARISSA ROSE FISHMAN,	:	
deceased	:	Civil Action No.: 05cv211
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
RICHARD LONGWILL, et al.	:	

**REPLY OF AIR BASE DISTRIBUTING, INC. TO CROSSCLAIM OF  
ASHLAND CONSTRUCTION COMPANY, INC., JOSEPH RIZZO & SONS  
CONSTRUCTION d/b/a ASHLAND CONSTRUCTION CO., INC., JOSEPH RIZZO  
AND VINCENT RIZZO**

1. Denied. this averment is a conclusion of law to which no responsive pleading is required. To the extent that a responsive pleading is deemed required, it is specifically denied that answering defendant was negligent or careless with regard to the allegations contained in Plaintiff's Complaint. On the contrary, answering defendant at all times relevant to this action, acted reasonably and within the standards of care. Strict proof thereof is demanded at the time of Trial.

2. Denied. this averment is a conclusion of law to which no responsive pleading is required. To the extent that a responsive pleading is deemed required, it is specifically denied that answering defendant was negligent or careless with regard to the allegations contained in Plaintiff's Complaint. On the contrary, answering defendant at all times relevant to this action, acted reasonably and within the standards of care. Strict proof thereof is demanded at the time of Trial.

**WHEREFORE,** Defendants, Air Base Carpet Mart, Inc. d/b/a Air Base Distributing, Inc. d/b/a Air Base Carpet Mart, respectfully requests this Honorable Court to enter judgment in its

favor and against the Plaintiffs together with costs and fees.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Reply to Ashland's Crossclaim was served upon the below-listed counsel of record this 7th day of June 2005, by electronically filing through the U.S. District Court through Pacer:

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